

SECRETARY OF STATE[721]

Notice of Intended Action

Proposing rule making related to five-year review of rules and providing an opportunity for public comment

The Secretary of State hereby proposes to amend Chapter 1, “Description of Organization,” Chapter 2, “Rules of Practice,” Chapter 3, “Administrative Hearings,” Chapter 4, “Forms,” Chapter 30, “Uniform Commercial Code,” Chapter 40, “Corporations,” Chapter 42, “Athlete Agent Registration,” Chapter 43, “Notarial Acts,” and Chapter 45, “Mechanics’ Notice and Lien Registry,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code section 17A.4.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 17A.7.

Purpose and Summary

The proposed changes are intended to do the following:

Item 1: Amend subrule 1.1(1) by clarifying the location of the Secretary’s Capitol office and updating the main phone number, strike subrule 1.1(3) to reflect current organizational structure, and renumber subrule 1.1(4) accordingly.

Item 2: Amend subrule 1.2(1) to reflect current division names and account for a change in terminology in Iowa Code chapter 490, amend subrule 1.2(2) to account for the change in business entity reporting frequency from annual to biennial, and amend subrule 1.2(3) to direct questions about corporation matters to the Business Services Division generally, rather than to the director specifically.

Item 3: Amend subrules 1.3(1) and 1.3(2) to reflect current division names and structure and the current phone number.

Item 4: Amend subrule 1.5(1) to reflect current officer titles and subrule 1.5(3) to reflect the current phone number.

Item 5: Strike subrule 1.6(1) to reflect current division structure, renumber the subsequent subrules accordingly, and amend renumbered subrule 1.6(1) to reflect current division names and structure.

Item 6: Amend rule 721—1.8(17A) to improve clarity by removing unnecessary language and to reflect current division names and structure.

Item 7: Amend rule 721—1.9(17A) to reflect current officer titles and structure.

Item 8: Amend rule 721—1.10(17A) to indicate that 28E agreements are now submitted electronically.

Item 9: Adopt a new implementation sentence in Chapter 1.

Item 10: Amend rule 721—2.1(17A) to indicate the availability of forms for viewing and download through the Secretary of State website.

Item 11: Amend rule 721—2.2(17A) to adjust grammar.

Item 12: Amend rule 721—2.3(9,631) to reflect the fact that the Secretary no longer approves new payment accounts; amend subrule 2.3(5) to reflect reversion of the annual fee for payment accounts from \$100 to \$25 and removal of the note about the reversion, both pursuant to 2017 Iowa Acts, Senate File 516; strike subrule 2.3(6) since it is no longer applicable; and renumber subrule 2.3(7) accordingly.

Item 13: Amend subrule 2.4(4) to reflect a renumbered Iowa Code chapter.

Item 14: Amend the implementation sentence in Chapter 2 to reflect the repeal of Iowa Code section 9.4A as enacted by 2017 Iowa Acts, Senate File 516, section 23.

Item 15: Amend rule 721—3.1(17A) to add a serial comma.

- Item 16: Amend the definition of “presiding officer” in rule 721—3.2(17A) to reflect current roles.
- Item 17: Amend subrule 3.3(2) to correct a typographical error.
- Item 18: Amend subrule 3.6(8) to account for the nature of current recording technology.
- Item 19: Amend rule 721—4.1(17A) to improve clarity; account for current technology by adding the assertion that the forms used by the Secretary of State Fast Track Filing online system are substantively the same forms described in the rule; indicate the availability of forms at the Secretary of State’s Lucas State Office Building office and through the Secretary of State website; reflect changes in the titles of forms, addition of new forms, and removal of forms that are no longer used; and reorganize the listing of forms.
- Item 20: Rescind and replace rule 721—4.2(17A) to reflect changes in the titles of forms, addition of new forms, and removal of forms that are no longer used, as well as reorganize the listing of forms.
- Item 21: Rescind and replace rule 721—4.4(17A) to reflect changes in the titles of forms, addition of new forms, and removal of forms that are no longer used, as well as reorganize the listing of forms.
- Item 22: Rescind and replace rule 721—4.5(17A) to reflect changes in the titles of forms, addition of new forms, and removal of forms that are no longer used, as well as reorganize the listing of forms.
- Item 23: Rescind rule 721—4.6(9A,17A) as a result of the reorganization of the listing of forms.
- Items 24 to 28: Amend rule 721—30.1(554) to improve clarity, update Iowa Code references, update the Secretary of State website address, correct the name of the International Association of Commercial Administrators, and reflect updated computer file formats and data transmission methods.
- Item 29: Amend rule 721—30.2(554) to update an Iowa Code reference and to better reflect Secretary of State procedures.
- Item 30: Amend rule 721—30.3(554) to improve clarity, update Iowa Code references, correct the name of the International Association of Commercial Administrators, and reflect updated computer filing and search methods.
- Item 31: Amend rule 721—30.4(554) to improve clarity, account for the nature of current data storage technology, strike subrule 30.4(14) to remove the reference to a filing method that is no longer available, and replace it with a subrule reflecting the addition of a method for asserting that a Uniform Commercial Code (UCC) Article 9 filing was made without authorization pursuant to Iowa Code section 554.9513A.
- Item 32: Amend rule 721—30.5(554) to improve clarity and correct the name of the International Association of Commercial Administrators.
- Item 33: Amend the implementation sentence in Chapter 30 to reflect the repeal of Iowa Code section 9.4A as enacted by 2017 Iowa Acts, Senate File 516, section 23.
- Item 34: Amend rule 721—40.1(490,499,504A) to update Iowa Code chapter references to account for renumbering and applicable chapters in the parenthetical implementation statute and the implementation sentence; indicate that the rule applies to limited liability companies and limited partnerships; update references to “telecopier” and “microfilming” to “fax” and “scanning,” respectively; add email as a communication method by which the Secretary of State may contact document remitters; add new subrules 40.1(2), 40.1(3), and 40.1(4), specifying the requirement for proper captioning of business entity document submissions, delivery method parameters of same-day preclearance service, and the requirement that forms provided by the Secretary of State must be used if such requirement is permitted by law; renumber the subsequent subrules accordingly; strike subrule 40.1(6) to account for elimination of the Iowa Code section 490.130 multiple-copy requirement; and renumber subrule 40.1(7) accordingly.
- Item 35: Rescind rule 721—40.2(490,499,504A) since it is no longer applicable.
- Item 36: Renumber subsequent rules in Chapter 40 accordingly.
- Item 37: Amend renumbered rule 721—40.2(487,490,504A) to update Iowa Code chapter references to account for renumbering and applicable chapters in the parenthetical implementation statute and sections in the implementation sentence; update the term “corporate” to “business entity” to reflect the broader content of the rule; revise the list in renumbered subrule 40.2(2) to improve clarity, incorporate the provisions of renumbered subrules 40.2(3) to 40.2(6), and account for the addition of “Benefit Corporation” as an available suffix under Iowa Code chapter 490; amend renumbered subrule 40.2(3) to account for protected series suffixes; strike renumbered subrules 40.3(4) to 40.3(10) and 40.3(12);

renumber the remaining subrules accordingly; change the numbered list to lettered paragraphs in renumbered subrule 40.2(7) and to account for a change in terminology in Iowa Code chapter 490.

Item 38: Amend renumbered rule 721—40.3(490,496C,497,498,499,504A) to update Iowa Code chapter references to account for renumbering and applicable chapters; update the term “corporate entity” to “business entity” to reflect the broader content of the rule; and update Iowa Code references to reflect the addition of paragraphs to Iowa Code sections 490.122 and 504.113 and to reflect renumbering.

Item 39: Amend renumbered rule 721—40.4(491,496A,499,504A,548) to update Iowa Code chapter references in the parenthetical implementation statute to account for renumbering and applicable chapters.

Item 40: Amend the list of trademark classes in renumbered subrule 40.5(1) to correct punctuation, improve clarity, and add modern goods and services classes; amend renumbered subrule 40.5(4) to improve clarity and more clearly reflect internal procedure; amend renumbered subrule 40.5(9) to improve clarity; and add new subrule 40.5(13) to prescribe trademark filing-related fees pursuant to Iowa Code section 548.117.

Item 41: Amend renumbered rule 721—40.6(80GA,SF2274) to update the reference from the legislation to the Iowa Code chapter in the parenthetical implementation statute, update the Iowa Code reference related to and remove the name of the Revised Iowa Nonprofit Corporation Act fees list, and amend subrule 40.7(1) to eliminate the inapplicable words “not to exceed a total of” from the statement of change list entry.

Item 42: Amend renumbered rule 721—40.7(488,489,490) to improve grammar and conciseness.

Item 43: Amend renumbered rule 721—40.9(488,489,490,504) to improve conciseness and eliminate reference to payment by check for electronic filings.

Item 44: Amend the implementation sentence in Chapter 40 to reflect the repeal of Iowa Code section 9.4A as enacted by 2017 Iowa Acts, Senate File 516, section 23.

Item 45: Renumber rule 721—42.4(9A,17A) as 721—42.2(9A,17A).

Item 46: Amend renumbered rule 721—42.2(9A,17A) to reflect current division names.

Item 47: Amend rule 721—43.1(9B) to eliminate references to legislation that has been codified in the Iowa Code.

Item 48: Amend rule 721—43.2(9B) to strike references to legislation that has been codified in the Iowa Code.

Item 49: Amend rule 721—43.5(9B) to strike references to legislation that has been codified in the Iowa Code.

Item 50: Amend rule 721—43.7(9B) to strike references to legislation that has been codified in the Iowa Code.

Item 51: Amend rule 721—43.9(9B) to strike references to legislation that has been codified in the Iowa Code and improve clarity.

Item 52: Amend rule 721—43.10(9B) to strike references to legislation that has been codified in the Iowa Code.

Item 53: Amend paragraph 43.11(1)“a” to strike a reference to legislation that has been codified in the Iowa Code.

Item 54: Amend subrule 45.1(1) to strike references to time-limited conditions that can no longer exist.

Item 55: Amend rule 721—45.2(572) to improve conciseness.

Item 56: Amend rule 721—45.3(572) to improve conciseness.

Item 57: Amend rule 721—45.4(572) to improve conciseness and account for the addition of “county or counties” language in Iowa Code section 572.8(3).

Item 58: Amend rule 721—45.5(572) to improve conciseness and account for the addition of “county or counties” language in Iowa Code section 572.8(3).

Item 59: Amend rule 721—45.6(572) to improve conciseness and account for the addition of “county or counties” language in Iowa Code section 572.8(3).

Item 60: Adopt new subrule 45.8(3) to account for a submission requirement adopted by the Office of the Secretary of State for the purpose of documenting requests by property owners for release of bond.

Item 61: Amend rule 721—45.11(572) to improve conciseness.

Item 62: Amend rule 721—45.12(572) to improve conciseness.

Item 63: Amend rule 721—45.13(572) to improve conciseness and amend subrule 45.13(3) to eliminate Mechanic’s Notice and Lien Registry (MNLr) data download subscription service and to eliminate an outdated data-delivery method.

Item 64: Amend rule 721—45.14(572) to improve conciseness.

Item 65: Amend rule 721—45.15(572) to improve conciseness and account for the addition of “county or counties” language in Iowa Code section 572.8(3).

Item 66: Amend rule 721—45.16(572) to improve conciseness by incorporating the content of paragraph 45.16(1)“a”(3) into subparagraph 45.16(1)“a”(2) and renumbering subparagraph 45.16(1)“a”(4) accordingly.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Secretary of State for a waiver of the discretionary provisions, if any, pursuant to 721—Chapter 10.

Public Comment

Any interested person may submit written comments concerning this proposed rule making. Written comments in response to this rule making must be received by the Secretary of State no later than 4:30 p.m. on February 28, 2023. Comments should be directed to:

Eric Gookin
Office of the Secretary of State
Lucas State Office Building
321 East 12th Street
Des Moines, Iowa 50319
Email: eric.gookin@sos.iowa.gov

Public Hearing

No public hearing is scheduled at this time. As provided in Iowa Code section 17A.4(1)“b,” an oral presentation regarding this rule making may be demanded by 25 interested persons, a governmental subdivision, the Administrative Rules Review Committee, an agency, or an association having 25 or more members.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee’s meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making actions are proposed:

ITEM 1. Amend rule 721—1.1(17A) as follows:

721—1.1(17A) Central organization.

1.1(1) The secretary of state is the head of the agency. The secretary is an elected official elected for a term of four years. The secretary's office is on the ~~main~~ first floor of the Statehouse, Des Moines, Iowa 50319, telephone number ~~(515)281-5864~~ (515)281-6230. The secretary is assisted by the following appointed officials who are responsible to the secretary.

1.1(2) The deputy secretary of state is appointed by the secretary and performs such duties as the secretary may prescribe, including general ~~supervisor~~ supervision of all matters and personnel pertaining to the office. During the absence or disability of the secretary, or as directed by the secretary, the deputy possesses most of the powers and performs the duties of the secretary.

~~**1.1(3)** Two administrative assistants are appointed by the secretary and perform such duties as presented by the secretary or the deputy. One of the administration assistants acts as the corporation director and the other acts as the uniform commercial code director.~~

~~**1.1(4)**~~ **1.1(3)** The secretary of state's office is an administrative and ministerial office performing the following duties: in the following rules.

ITEM 2. Amend rule 721—1.2(17A) as follows:

721—1.2(17A) Corporations.

1.2(1) All matters involving corporations, profit and nonprofit, organized in Iowa or authorized to do business in Iowa, are handled by the ~~corporation~~ business services division ~~under the supervision of a director.~~ The office issues all certificates of incorporation for new domestic corporations and issues certificates for authority and certificates of registration to do business in Iowa for foreign corporations. Also, certificates of good standing, amendments, mergers, certified copies of articles and other corporate papers are issued by the office.

1.2(2) The ~~annual~~ biennial report forms required of all corporations are sent from the office and upon return by the corporations are processed for accuracy and proper fee and kept for public record.

1.2(3) Any questions on corporations or procedures should be directed to the ~~director of the~~ business services division located in the Lucas State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-5204.

ITEM 3. Amend rule 721—1.3(17A) as follows:

721—1.3(17A) Uniform Commercial Code.

1.3(1) All matters pertaining to the secretary of state's responsibilities under the Uniform Commercial Code are processed by the ~~uniform commercial code~~ business services division of the office. See 721—Chapter 30.

1.3(2) The ~~uniform commercial code~~ business services division is ~~under the supervision of a director.~~ The office is located in the Lucas State Office Building, 321 E. East 12th Street, Des Moines, Iowa 50319, and the telephone number is ~~(515)281-5274~~ (515)281-5204.

ITEM 4. Amend rule 721—1.5(17A) as follows:

721—1.5(17A) Land office.

1.5(1) The state land office is a part of the general office and is under the supervision of a land ~~office~~ clerk records officer. A record of all lands owned by the state of Iowa, the original land surveys and plats are part of the records.

1.5(2) Patents issued by the state of Iowa are prepared by the land office.

1.5(3) The land office is located in the general office on the first floor of the Statehouse, and the telephone number is ~~(515)281-8360~~ (515)281-5864.

ITEM 5. Amend rule 721—1.6(17A) as follows:

721—1.6(17A) Notaries public.

~~1.6(1)~~ The notary public division is part of the general office and is under the supervision of a notary public clerk.

~~1.6(2)~~ **1.6(1)** The notary public business services division processes all applications for notary public commissions and on expiration of commissions sends out applications for renewal and processes their return. The commission is signed by the secretary of state.

~~1.6(3)~~ **1.6(2)** The division also issues certificates of good standing upon the payment of the proper fee. Notaries public have statewide jurisdiction.

~~1.6(4)~~ **1.6(3)** Notary public services are part of the business services division located in the Lucas State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-5204.

ITEM 6. Amend rule 721—1.8(17A) as follows:

721—1.8(17A) Process agent. The secretary of state, by various chapters in the Iowa Code, especially Iowa Code sections 496A.13, 496A.112, 496A.116 and 617.3, is made the process agent upon whom the service of original notices in law suits may be made. The filing of the original notices is handled by the secretary to the deputy who is in the general office business services division. For location see ~~1.1(1)~~ **1.2(3)**.

ITEM 7. Amend rule 721—1.9(17A) as follows:

721—1.9(17A) Oaths and bonds. Oaths of office, and bonds where required, for elected officials, appointed officials, and appointees to various boards and commissions are filed in the general office. The ~~secretary to the secretary~~ records officer is in charge of this function. For location and telephone number see ~~1.1(1)~~ **1.5(3)**.

ITEM 8. Amend rule 721—1.10(17A) as follows:

721—1.10(17A) Joint governmental agreements. Joint governmental agreements under Iowa Code chapter 28E are filed, without charge, ~~in the general office electronically through the secretary of state website~~. The secretary to the deputy handles this function. For location and telephone number see ~~1.1(1)~~.

ITEM 9. Adopt the following **new** implementation sentence in **721—Chapter 1**:
These rules are intended to implement Iowa Code chapter 17A.

ITEM 10. Amend rule 721—2.1(17A) as follows:

721—2.1(17A) Forms used. Copies of all forms are ~~kept in the main office and may be inspected by anyone during the working day~~ available for viewing and download on the secretary of state website: sos.iowa.gov.

ITEM 11. Amend rule 721—2.2(17A) as follows:

721—2.2(17A) Filing complaints. All complaints or objections relating to any matter involving the secretary of state's office shall be in writing addressed to the secretary of state. The complaint or objection may be either mailed or hand delivered. Oral complaints or objections will be handled ~~in~~ through an informal procedure by the secretary or secretary's designee with the complainant at the convenience of both parties.

ITEM 12. Amend rule 721—2.3(9,631) as follows:

721—2.3(9,631) Payment for services. ~~The secretary of state may approve accounts to be used for the payment of services provided by the secretary of state.~~ A user of a service provided by the secretary of state may make payment for the service by authorizing a charge to be made upon ~~an~~ a current secretary of state payment account held by the user.

2.3(1) The secretary of state may prescribe and furnish forms for the purpose of authorizing a charge to be made upon an account. The secretary of state may refuse to charge an account for service requested without the appropriate form.

~~2.3(2) Application for account. Application for an account shall be made upon a form prescribed and furnished by the secretary of state. The account holder is subject to the terms and conditions contained in the application.~~ The secretary of state reserves the right to adopt changes to the terms and conditions of the account. The secretary of state reserves the right to close a delinquent account.

2.3(3) Account holders will receive a monthly statement of account. The statement will include, for each transaction, the date and amount of the transaction. A transaction may include more than one filing fee.

2.3(4) Payment in full is due within 15 days of the date of the statement of account. An account is considered delinquent after the expiration of 30 days from the date of the statement of account. Interest and finance charges may be assessed on delinquent accounts in accordance with Iowa Code chapter 535.

2.3(5) An annual fee of ~~\$100~~ \$25 shall be paid by an account holder for the privilege of maintaining an account. The annual fee shall cover a 12-month period measured from the first day of the month in which the account ~~is~~ was approved by the secretary of state. An account that is not delinquent one month prior to the expiration of the annual period shall be renewed upon the payment of the annual fee. The secretary of state shall charge the annual fee to the account on the statement of the account for the monthly period prior to the expiration date. The annual fee shall be used for the purpose of offsetting the expenses incurred by the secretary of state in maintaining the account. ~~Upon the expiration of the technology modernization fund in Iowa Code section 9.4A, as created by 2017 Iowa Acts, Senate File 516, section 23, the fee will revert to the amount authorized prior to July 1, 2017. Funds generated by the increase of this fee shall be exclusively used for improving business services technology.~~

~~**2.3(6)** Accounts maintained by the secretary of state prior to July 1, 1989, shall be terminated at the close of business on June 30, 1989, unless the holder of the account complies with subrule 2.3(5) and authorizes the secretary of state to continue the account by filing a renewal application on a form prescribed and furnished by the secretary of state.~~

~~**2.3(7)**~~ **2.3(6)** The secretary of state shall assess a fee of \$10 for the receipt of a document filed under Iowa Code section 631.4(1) “d.”

ITEM 13. Amend subrule 2.4(4) as follows:

2.4(4) Public records shall not be removed from the offices of the secretary of state, except for the purposes of:

- a. Complying with a subpoena duces tecum,
- b. Microfilming the records by the department of general services, or
- c. Retaining and preserving the public records pursuant to Iowa Code chapter ~~304~~ 305.
- d. Complying with Iowa Code section 2B.10.

ITEM 14. Amend **721—Chapter 2**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A, 490, 491, 497, 498, 499, 504, and 554 (Article 9) ~~and 2017 Iowa Acts, Senate File 516, section 23.~~

ITEM 15. Amend rule 721—3.1(17A) as follows:

721—3.1(17A) Scope. Iowa Code chapter 17A and the rules contained in this chapter govern the practice, procedure, and conduct of contested case proceedings, including proceedings related to the grant, denial, revocation, or renewal of any license issued by the agency where such action is required by constitution or statute to be preceded by notice and opportunity for an evidentiary hearing.

ITEM 16. Amend rule **721—3.2(17A)**, definition of “Presiding officer,” as follows:

“*Presiding officer*” means the person assigned to hear and decide the contested case, whether that individual is the ~~agency director~~ secretary or secretary’s designee, or an administrative law judge appointed according to Iowa Code chapter 17A.

ITEM 17. Amend subrule 3.3(2) as follows:

3.3(2) Prehearing conference. At the discretion of the presiding officer or on the motion of any party to the contested case, a ~~preheating~~ prehearing conference may be held for the purpose of settlement of the case, facilitating the hearing, or facilitating the decision of the presiding officer. Notice shall be

given to the parties of the time and place of the conference and its purpose. A record shall be made of all agreements and actions resulting from any conference. The presiding officer may issue an order setting forth all agreements and actions.

ITEM 18. Amend subrule 3.6(8) as follows:

3.6(8) *Proceedings recorded and open to the public.* The hearing shall be recorded by ~~tape~~ audio recording. An individual may demand that the hearing be recorded by a certified shorthand reporter, but that party must bear all costs associated with the shorthand reporter. The record of hearing or a transcript shall be filed with the authority and maintained for a period of five years.

ITEM 19. Amend rule 721—4.1(17A) as follows:

721—4.1(17A) Forms and instructions. Forms and ~~their~~ instructions are developed by the agency in accordance with statutory directives. Forms used on the secretary of state website’s fast track filing system have the same functions and descriptions as the forms described in this chapter.

~~Copies of forms and instructions of a general nature may be seen at the Office of Secretary of State, Statehouse, Des Moines, Iowa 50319. Copies of forms and instructions relating to corporation matters, the uniform commercial code~~ Uniform Commercial Code, elections, and other services may be seen at the ~~respective divisions which are located in the~~ secretary of state’s Lucas State Office Building office, Des Moines, Iowa 50319; or on the secretary of state website at sos.iowa.gov.

The subrules which follow ~~list and describe those forms and instructions which members of the public use when dealing with the agency and its various divisions. Each direction of every instruction shall be complied with and each question or portion of every form answered in the same manner as if the forms and instructions were embodied in these rules.~~

4.1(1) Forms of general application.

Form Number	Description
GLO-1	Public disclosure of gifts made to a “local official,” “local employee” or to the person’s immediate family
GEN-1	Certification of various filings in the office of the Secretary of State, for example, incorporation of cities, legislative bills and other documents

a. Public disclosure of gifts made to a “local official,” “local employee,” or to the person’s immediate family.

b. Disaster Recovery Registration—used for registering in compliance with Iowa Code chapter 29C.

c. Apostille or Certification Request Form—used to order apostilles or certified copies.

d. Condemnation Application—for use by county recorders and sheriffs pursuant to Iowa Code sections 6B.3(3)“b” and 6B.38(2).

e. Credit Card Payment Authorization Form—used to pay fees with a credit or debit card.

f. Charge Transaction Form—used to charge fees to an existing secretary of state charge account.

g. Transient Merchant Application—application for transient merchant license required by Iowa Code section 9C.3.

h. Application for Registration/Renewal as an Athlete Agent—used to apply for a new certificate of registration to act as an athlete agent in the state of Iowa or to renew an existing registration.

4.1(2) Notary public forms. Copies of notary public forms are available to the public on the secretary of state website at sos.iowa.gov or upon request to the Notary Clerk, Office of the Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-5204.

a. Application for Commission as Notary Public—used to apply to be commissioned as an Iowa notary public.

b. Application for Renewal of Commission—used to apply to renew an existing Iowa notary public commission.

- c. Notary Public Change/Amendment to Application—used to update an Iowa notary public commission record.
- d. Certificate of Notarial Commission.
- e. Statement of Complaint Regarding a Notary Public, Notarial Officer, or Remote Notarization Transaction.
- f. Application for Approval to Perform Notarial Acts for Remotely Located Individuals.

Form Number	Description
NO-1	Application for appointment of Notary Public
NO-2	Notarial Bond Form
NO-3	Application for reappointment of Notary Public
NO-4	Certificate of Notarial Commission
NO-5	Certificate of Prothonotary

Copies of application and bond forms for notaries public are available to the public upon request to the Notary Clerk, Office of the Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-5204.

4.1(3) Trademark registration forms.

- a. Trademark/Service Mark Registration Application—application to register a mark currently in use in Iowa.
- b. Trademark/Service Mark Renewal Application—application to apply to renew mark registration for one additional five-year period.
- c. Trademark Assignment Application—to assign a mark registration from current registrant to a new registrant.

4.1(4) Credit services organization forms.

- a. Registration of Credit Services Organization—registration statement required by Iowa Code section 538A.5.
- b. Credit Services Organization Bond Form—submitted with Iowa Code section 538A.4 surety bond filing.
- c. Surety Account Notice for a Credit Services Organization—submitted in accordance with Iowa Code section 538A.4 to notify the secretary of state of establishment of a surety account.

This rule is intended to implement Iowa Code chapter 17A.

ITEM 20. Rescind rule 721—4.2(17A) and adopt the following **new** rule in lieu thereof:

721—4.2(17A) Business entity forms. Copies of business entity forms are available to the public on the secretary of state website at sos.iowa.gov or upon request to the Business Services Division, Office of the Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-5204.

4.2(1) For-profit and nonprofit business entity forms.

- a. Certificate of Good Standing—shows that a corporation is in good standing and is also used to reflect that certain filings have not been made.
- b. Certification Certificates—certifies copies attached are true reproductions of documents on file.
- c. Application for Certificate of Withdrawal—used by a foreign entity to stop business in Iowa.
- d. Profit Corporation Statement of Withdrawal—used by a foreign profit corporation to stop business in Iowa.
- e. Application for Certificate of Authority—used by a foreign entity to apply for authority to do business in Iowa.
- f. Foreign Profit Corporation Registration Statement—used by a foreign profit corporation to apply for authority to do business in Iowa.
- g. Certificate of Authority—issued to foreign entities that have registered to do business in Iowa.

- h.* Application for Reinstatement—used by an administratively dissolved corporation, limited liability company, or cooperative to apply for reinstatement.
- i.* Application for Reservation of Name—form by which applicant can reserve an entity name for future use.
- j.* Fictitious Name Resolution—used by a registered entity to notify the office of its adoption of a fictitious name.
- k.* Statement of Change of Registered Office and/or Registered Agent—used by a registered entity to change its registered office and/or registered agent.
- l.* Appointment of Agent (501B)—used by an unincorporated nonprofit association to appoint its registered office and registered agent.
- m.* Application for Amended Certificate of Authority—used by authorized foreign entities to reflect changes of name or authorized purposes.
- n.* Amended Foreign Registration Statement—used by authorized foreign profit corporations to reflect changes of name or other information.
- o.* Application for Registration of a Corporate Name—form by which a foreign corporation may register a name.
- p.* Application for Renewal of Registration of Corporate Name—used to renew registration of name.
- q.* Notice of Transfer of Reservation of Name—used to transfer an entity name reservation from one person to another.

4.2(2) *Biennial reports.*

- Biennial Report for an Iowa Corporation—required to be filed by all domestic for-profit corporations.
- Biennial Report for a Foreign Corporation—required to be filed by all foreign for-profit corporations.
- Iowa Nonprofit Biennial Report—required to be filed by all domestic nonprofit corporations.
- Foreign Nonprofit Biennial Report—required to be filed by all foreign nonprofit corporations.
- Iowa Professional Biennial Report—required to be submitted by domestic professional corporations.
- Domestic Professional Corporation Biennial Report Statement Under Oath—required by Iowa Code section 496C.21(1)“*b*” to be submitted with the Iowa professional biennial report.
- Foreign Professional Biennial Report—required to be filed by foreign professional corporations.
- Foreign Professional Corporation Biennial Report Statement Under Oath—required by Iowa Code section 496C.21(1)“*c*” to be submitted with the foreign professional biennial report.
- Cooperative Association Biennial Report—required to be filed by cooperative associations.

4.2(3) *Agricultural reporting.*

- a.* Biennial Agricultural Report—used by U.S. holders of Iowa agricultural land to comply with Iowa Code chapter 10B biennial reporting requirements.
- b.* Pork and Beef Processor Report—used by Iowa pork and beef processors to comply with Iowa Code chapter 202B annual reporting requirements.
- c.* Registration of Nonresident Alien Land Ownership—used by non-U.S. holders of Iowa agricultural land to comply with Iowa Code chapter 9I registration requirements.
- d.* Nonresident Alien Land Ownership Report—used by non-U.S. holders of Iowa agricultural land to comply with Iowa Code chapter 9I annual reporting requirements.

Information regarding forms for agricultural reporting may be requested from the Business Services Division, Office of the Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-5204.

This rule is intended to implement Iowa Code sections 9I.7, 9I.8, 9I.9, 10B.4, 202B.301, and 202B.302.

ITEM 21. Rescind rule 721—4.4(17A) and adopt the following **new** rule in lieu thereof:

721—4.4(554,17A) Uniform Commercial Code forms.

- UCC1—Financing Statement.
- UCC1Ad—Financing Statement Addendum (used in connection with UCC1).
- UCC3—Financing Statement Amendment.

UCC3Ad—Financing Statement Amendment Addendum (used in connection with UCC3).

UCC5—Information Statement.

UCC11—Information Request.

Affidavit of Wrongful Filing—used to assert that a UCC document was not authorized to be filed and was caused to be communicated to the filing office with the intent to harass or defraud the affiant.

Master File Agreement—used to order corporation and UCC data.

Security Authorization Request—used to apply for security authorization to receive corporation and UCC data.

This rule is intended to implement Iowa Code chapter 554 (Article 9).

ITEM 22. Rescind rule 721—4.5(17A) and adopt the following new rule in lieu thereof:

721—4.5(572,17A) Mechanic’s notice and lien registry (MNLr) forms.

1. Mechanic’s Notice and Lien Registry—used to provide submitter information in conjunction with other MNLr forms.

2. Cover Page for Commencement of Work Notice—used in compliance with Iowa Code section 572.13A.

3. Cover Page for Preliminary Notice—used in compliance with Iowa Code section 572.13B.

4. Cover Page for Mechanic’s Lien - Commercial—used in compliance with Iowa Code section 572.8.

5. Cover Page for Mechanic’s Lien - Residential—used in compliance with Iowa Code section 572.8.

6. Mechanic’s Lien—used to comply with Iowa Code section 572.8.

7. Assignment of Mechanic’s Lien—used to transfer a lien.

8. Cover Page for Bond for Discharge of Lien—used in compliance with Iowa Code section 572.15.

9. Cover Page for Bond to Prevent Exemplary Damages—used in compliance with Iowa Code section 572.30(2).

10. Affidavit for Release of Mechanic’s Lien Bond—used in compliance with 721—subrule 45.8(3).

11. Cover Page for Demand for Acknowledgment—used in compliance with Iowa Code section 572.23.

12. Cover Page for Demand to Commence Action—used in compliance with Iowa Code section 572.28.

Information regarding forms for the mechanic’s notice and lien registry may be requested from the Business Services Division, Office of the Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319. The telephone number is (515)281-5204.

This rule is intended to implement Iowa Code chapter 572.

ITEM 23. Rescind and reserve rule **721—4.6(9A,17A)**.

ITEM 24. Amend subrules 30.1(2) to 30.1(5) as follows:

30.1(2) Definitions. The following terms shall have the respective meanings provided in this rule. Terms not defined in this rule which are defined in the UCC shall have the respective meanings accorded such terms in the UCC.

“*Active*” means a UCC record ~~that~~ has not reached the one-year anniversary of its lapse date.

“*Amendment*” means a UCC document that purports to amend the information contained in a financing statement. Amendments include assignments, continuations and terminations.

“*Assignment*” means an amendment that purports to reflect an assignment of all or a part of a secured party’s power to authorize an amendment to a financing statement.

“*Continuation*” means an amendment that purports to continue the effectiveness of a financing statement.

“*Correction statement*” means a UCC document that purports to indicate that a financing statement is inaccurate or wrongfully filed.

"File number" means the unique identifying information identification number assigned to an initial financing statement by the filing officer for the purpose of identifying the financing statement and UCC documents relating to the financing statement in the filing officer's information management system. The filing number bears no relation to the time of filing and is not an indicator of priority.

"Filing office" and *"filing officer"* mean the office of the secretary of state. The address of the office is Lucas State Office Building, First Floor, 321 East 12th Street, Des Moines, Iowa 50319.

"Financing statement" means a record or records composed of an initial financing statement and any filed record(s) relating to the initial financing statement.

"Inactive" means a UCC record that has reached the first anniversary of its lapse date.

"Individual" means a human being, or a decedent in the case of a debtor that is such decedent's estate.

"Initial financing statement" means a UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by ~~2000 Iowa Acts, chapter 1149, sections 83, 85, and 89~~ Iowa Code sections 554.9512, 554.9514, and 554.9518.

"Organization" means a legal person who is not an individual as defined above.

"Remitter" means a person who tenders a UCC document to the filing officer for filing, whether the person is a filer or an agent of a filer responsible for tendering the document for filing. "Remitter" does not include a person responsible merely for the delivery of the document to the filing office, such as the postal service or a courier service, but does include a service provider who acts as a filer's representative in the filing process.

"Secured party of record" means, with respect to a financing statement, a person whose name is provided as the name of a secured party or a representative of the secured party in an initial financing statement that has been filed. If an initial financing statement is filed under ~~2000 Iowa Acts, chapter 1149, section 85, subsection 1~~ Iowa Code section 554.9514(1), the assignee named in the initial financing statement is the secured party of record with respect to the financing statement. If an amendment of a financing statement which provides the name of a person as a secured party or a representative of a secured party is filed, the person named in the amendment is a secured party of record. If an amendment is filed under ~~2000 Iowa Acts, chapter 1149, section 85, subsection 2~~ Iowa Code section 554.9514(2), the assignee named in the amendment is a secured party of record. A person remains a secured party of record until the filing of an amendment of the financing statement which deletes the person.

"Termination" means an amendment intended to indicate that the related financing statement has ceased to be effective with respect to the secured party authorizing the termination.

"UCC" means the Uniform Commercial Code as adopted in this state and in effect from time to time.

"UCC document" means an initial financing statement, an amendment, an assignment, a continuation, a termination or a correction statement. The word "document" in the term "UCC document" shall not be deemed to refer exclusively to paper or paper-based writings; it being understood that UCC documents may be expressed or transmitted electronically or through media other than such writings. (NOTE: This definition is used for the purpose of these rules only. The use of the term "UCC document" in these rules has no relation to the definition of the term "document" in ~~2000 Iowa Acts, chapter 1149, section 2, subsection 1, paragraph "ad."~~ Iowa Code section 554.9102(1) "*af.*")

30.1(3) Singular and plural forms. Singular nouns shall include the plural form, and plural nouns shall include the singular form, unless the context otherwise requires.

30.1(4) Place to file. The filing office is the office for filing UCC documents relating to all types of collateral except for timber to be cut, as-extracted collateral (~~2000 Iowa Acts, chapter 1149, section 2, subsection 1, paragraph "f"~~ Iowa Code section 554.9102(1) "*f*") and, when the relevant financing statement is filed as a fixture filing, goods which are or are to become fixtures. Regardless of the nature of the collateral, the filing office is the office for filing all UCC documents where the debtor is a transmitting utility.

30.1(5) Filing office identification. In addition to the promulgation of these rules, the filing office will disseminate information of its location, mailing address, telephone and fax numbers, and its Internet and other electronic "addresses" through usual and customary means.

a. ~~On-line~~ Online information service. The filing officer offers ~~on-line~~ online information services at ~~www.sos.state.ia.us~~ sos.iowa.gov.

b. Electronic mail. Electronic mail cannot be used for filing UCC documents or for requesting searches of the records of financing statements.

ITEM 25. Amend subrule 30.1(7) as follows:

30.1(7) UCC document delivery. UCC documents may be tendered for filing at the filing office as follows:

a. to d. No change.

e. Electronic filing. UCC documents may be transmitted electronically using the XML standard approved by the International Association of ~~Corporation~~ Commercial Administrators as described in 30.3(3). UCC documents may also be transmitted electronically through ~~on-line~~ online entry as described in 30.3(4). The file time for a UCC document delivered by this method is the time that the filing office's UCC information management system analyzes the relevant transmission and determines that all the required elements of the transmission have been received in a required format and are machine-readable.

ITEM 26. Amend subrule 30.1(9) as follows:

30.1(9) Approved forms. Forms for UCC documents that conform to the requirements of this rule will be accepted by the filing office. Other forms will not be accepted by the filing office.

a. Approved forms. Only those forms approved for the relevant UCC document by the International Association of ~~Corporation~~ Commercial Administrators (the UCC National Forms) will be acceptable. Copies of these forms are available on the secretary of state's website at ~~www.sos.state.ia.us~~ www.sos.iowa.gov or by request to the secretary of state's office.

NOTE: The debtor's taxpayer identification number (TAX ID #), social security number (SSN), and employer identification number (EIN) are not required, and will be readily available to the public if entered on UCC documents.

b. Form—UCC search. The information request form approved by the International Association of ~~Corporation~~ Commercial Administrators will be acceptable. Other request forms will also be acceptable, provided they contain the information required by 30.5(2).

c. Electronic filings. A UCC document transmitted electronically pursuant to the International Association of ~~Corporation~~ Commercial Administrators' XML standard and the procedures set forth in 30.3(3) or pursuant to ~~on-line~~ online data entry procedures set forth in 30.3(4) will be acceptable.

ITEM 27. Amend subrule 30.1(10) as follows:

30.1(10) Filing fees.

a. Filing fee. The fee for filing and indexing a UCC document of one or two pages communicated on paper or in a paper-based format (including faxes) is \$10. If there are additional pages, the fee is \$20. ~~But the~~ The fee for filing and indexing a UCC document communicated by using a medium authorized by these rules which that is other than on paper or in a paper-based format shall be \$5.

b. UCC search fee. The fee for a UCC search request ~~communicated verbally, on paper or in a paper-based format~~ is \$5.

c. UCC search—copies. The fee for paper copies of UCC documents is \$1 per page.

ITEM 28. Amend subrules 30.1(13) and 30.1(14) as follows:

30.1(13) Public records services. Public records services are provided on a nondiscriminatory basis to any member of the public on the terms described in these rules. The following methods are available for obtaining copies of UCC documents and copies of data from the UCC information management system.

a. Individually identified documents. Copies of individually identified UCC documents are available in the following forms.

(1) Paper.

(2) ~~THE~~ PDF files.

b. Bulk copies of documents. Bulk copies of UCC documents are available in a ~~THE~~ PDF format ~~on CD-ROM or DVD via download from the office.~~

c. *Data from the information management system.* A list of available data elements from the UCC information management system and the file layout of the data elements are available from the filing officer upon request. Data from the information management system is available as follows.

(1) Full extract. A bulk data extract of information from the UCC information management system is available on a weekly basis.

(2) Format. Extracts from the UCC information management system are available via downloads from the filing office ~~or CD-ROM~~.

d. ~~Direct on-line~~ online services. ~~On-line~~ Online services make UCC data and images available.

30.1(14) Fees for public records services. Fees for public records services are established as follows.

a. *Paper copies of individual documents.*

(1) Regular delivery method—\$1 per page.

(2) Fax delivery—\$2 per page.

b. *Bulk copies of documents.*

(1) Subscription basis—4 cents per page plus \$25 per week ~~(delivered on CD-ROM)~~.

(2) Document image master file—4 cents per document.

c. *Data from the information management system—full extract.* Download—\$300.

~~(1) Download—\$300.~~

~~(2) CD-ROM—\$325.~~

ITEM 29. Amend rule 721—30.2(554) as follows:

721—30.2(554) Acceptance and refusal of documents.

30.2(1) No change.

30.2(2) Grounds for refusal of UCC document. The following grounds are the sole grounds for the filing officer's refusal to accept a UCC document for filing. As used herein, the term "legible" is not limited to refer only to written expressions on paper: it requires a machine-readable transmission for electronic transmissions and an otherwise readily decipherable transmission in other cases.

a. to d. No change.

e. *Identifying information.* A UCC document that does not identify itself as an amendment or identify an initial financing statement to which it relates, as required by ~~2000 Iowa Acts, chapter 1149, sections 83, 85, and 89~~ Iowa Code sections 554.9512, 554.9514, and 554.9518, is an initial financing statement.

f. to i. No change.

30.2(3) Grounds not warranting refusal. The sole grounds for the filing officer's refusal to accept a UCC document for filing are enumerated in 30.2(2). The following are examples of defects that do not constitute grounds for refusal to accept a document. They are not a comprehensive enumeration of defects outside the scope of permitted grounds for refusal to accept a UCC document for filing.

a. to c. No change.

d. *Insufficient information.* The UCC document contains less than the information required by Article 9 of the UCC, provided that the document contains the information required in 30.2(2) "a" through 30.2(2) "e."

NOTE: The debtor's taxpayer identification number (TAX ID #), social security number (SSN), and employer identification number (EIN) are not required, and will may be readily available to the public if entered on UCC documents.

e. and f. No change.

30.2(4) and 30.2(5) No change.

30.2(6) Acknowledgment.

a. At the request of a filer or remitter who ~~files~~ submits a paper or paper-based UCC document, the filing officer shall either:

(1) Send to said filer or remitter an image of the record of the UCC document showing the file number assigned to it and the date and time of filing; or

(2) If such filer or remitter provides a copy of such UCC document, note the file number and the date and time of filing on the copy and deliver or send it to said filer or remitter.

b. No change.

30.2(7) and 30.2(8) No change.

ITEM 30. Amend rule 721—30.3(554) as follows:

721—30.3(554) UCC information management system.

30.3(1) No change.

30.3(2) *General provisions—UCC information management system.*

a. No change.

b. *Names of debtors who are individuals.* For the purpose of this paragraph, “individual” means a human being, or a decedent in the case of a debtor that is such decedent’s estate. This rule applies to the name of a debtor or a secured party on a UCC document who is an individual.

(1) to (3) No change.

(4) *Truncation—individual names.* Personal name fields in the UCC database are fixed in length. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field. The lengths of data entry name fields, except for ~~on-line~~ online filing (30.3(4) “b”), are as follows.

1. to 4. No change.

c. *Names of debtors that are organizations.* This rule applies to the name of an organization that is a debtor or a secured party on a UCC document.

(1) *Single field.* The names of organizations are stored in files that include only the names of organizations and not the names of individuals. A single field is used to store an organization name.

(2) *Truncation—organization names.* The organization name field in the UCC database is fixed in length. The maximum length, ~~except for on-line filing (30.3(4) “b”)~~, is 100 characters. Although filers should continue to provide full names on their UCC documents, a name that exceeds the fixed length is entered as presented to the filing officer, up to the maximum length of the data entry field.

d. and e. No change.

f. *Initial financing statement.* Upon the filing of an initial financing statement, the status of the parties and the status of the financing statement shall be as follows:

(1) *Status of secured party.* Each secured party named on an initial financing statement shall be a secured party of record, except that if the UCC document names an assignee, the secured party/assignor shall not be a secured party of record and the secured party/assignee shall be a secured party of record.

(2) *Status of debtor.* The status of a debtor named on the document shall be active and shall continue as active until one year after the financing statement lapses.

(3) *Status of financing statement.* The status of the financing statement shall be active. A lapse date shall be calculated five years from the file date, unless the initial financing statement indicates that it is filed with respect to a public-financing transaction or a manufactured-home transaction, in which case the lapse date shall be ~~thirty~~ 30 years from the file date, or if the initial financing statement indicates that it is filed against a transmitting utility, in which case there shall be no lapse date. A financing statement remains active until one year after it lapses, or if it is indicated to be filed against a transmitting utility, until one year after it is terminated with respect to all secured parties of record.

g. to l. No change.

30.3(3) *XML documents.*

a. and b. No change.

c. *IACA standard adopted.* The XML format for filing a UCC document, as adopted by the International Association of ~~Corporation~~ Commercial Administrators and in effect from time to time, is adopted in this state as a format for electronic transmission of UCC documents, although the filing officer shall, periodically and at the request of an authorized XML remitter, identify which versions and releases of the XML format are then in use by and acceptable to the filing office.

d. No change.

30.3(4) *Direct ~~on-line~~ online filing and search procedures.*

a. Direct ~~on-line~~ online filing and search services are available to any person with Internet access to the UCC secretary of state website: sos.iowa.gov. ~~On-line filing services require a preapproved account, in accordance with 30.1(11)“d.”~~

b. Document filing procedures. Initial financing statements and amendments may be filed via the UCC secretary of state website, which allows for entry of information required on the approved UCC forms specified in 30.1(9). The ~~on-line~~ online filing procedure does not allow for the maximum length of characters as defined in 30.3(2)“b”(4), ~~and 30.3(2)“e.”~~ Therefore, ~~on-line~~ online filing should be used only if the filer is able to key all information without truncation. A record which is created by the filer in this manner is subject to all of the provisions of the UCC, as if it were a paper document submitted to the filing office. However, attachments may not be submitted. Filing instructions are provided on the website.

c. Search request procedures. A certified search naming a particular debtor may be obtained via the UCC secretary of state website: sos.iowa.gov. A request that is created by the filer in this manner is subject to all of the provisions of the UCC as if it were a paper search request submitted to the filing office. Images of individual financing statements may be obtained ~~on-line~~ online. Instructions are provided on the website.

ITEM 31. Amend rule 721—30.4(554) as follows:

721—30.4(554) Filing and data entry procedures.

30.4(1) No change.

30.4(2) *Document indexing and other procedures before archiving.*

a. to d. No change.

e. *Correspondence.*

(1) Acknowledgment of filing. If there is no ground for refusal of the document, an acknowledgment of filing is prepared as provided in 30.2(6) and communicated as follows:

1. to 4. No change.

5. UCC document transmitted by ~~on-line~~ online entry. Acknowledgment of filing is returned electronically.

(2) Notice of refusal. If there is a ground for refusal of the document, notification of refusal to accept the document is prepared as provided in 30.2(5) and communicated as follows:

1. to 4. No change.

5. UCC document transmitted by ~~on-line~~ online entry. Notice of refusal is returned electronically.

f. No change.

30.4(3) *Filing date.* The filing date of a UCC document is the date the UCC document is received with the proper filing fee if the filing office is open to the public on that date or, if the filing office is not open on that date, the filing date is the next date the filing office is open, except that, in each case, UCC documents received after 4:30 p.m. shall be deemed received on the ~~following day~~ next date the filing office is open. The filing officer may perform any duty relating to the document on the filing date or on a date after the filing date.

30.4(4) and **30.4(5)** No change.

30.4(6) *Errors of the filing officer.* The filing office may correct the errors of filing officer personnel in the UCC information management system at any time. If the correction is made after the filing officer has issued a UCC search report with a certification date that includes the filing date of a corrected document, the filing officer shall ~~proceed as follows:~~ A place a record relating to the relevant initial financing statement will be placed in the UCC information management system stating the date of the correction and explaining the nature of the corrective action taken. The record shall be preserved for so long as the record of the initial financing statement is preserved in the UCC information management system.

30.4(7) to **30.4(10)** No change.

30.4(11) *Initial financing statement.* A new record bearing the file number of the financing statement and the date and time of filing is opened in the UCC information management system for each initial financing statement ~~that bears the file number of the financing statement and the date and time of filing.~~

a. The name and address of each debtor that are legibly set forth in the financing statement are entered into the record of the financing statement. Each debtor name and city is are included in the searchable index and not removed until one year after the financing statement lapses.

b. The name and address of each secured party that are legibly set forth in the financing statement are entered into the record of the financing statement.

c. The record is indexed according to the name of the debtor(s) and is maintained for public inspection.

d. A lapse date is established for the financing statement and the lapse date is maintained as part of the record, unless the initial financing statement indicates that it is filed against a transmitting utility.

30.4(12) Amendment. A record is created for the amendment that bears the file number for the amendment and the date and time of filing.

a. The record of the amendment is associated with the record of the related initial financing statement in a manner that causes the amendment to be retrievable each time a record of the financing statement is retrieved.

b. The name and address of each additional debtor and secured ~~parties~~ party are entered into the UCC information management system in the record of the financing statement. Each additional debtor name and city is are added to the searchable index and not removed until one year after the financing statement lapses.

c. If the amendment is a continuation, a new lapse date is established for the financing statement and maintained as part of its record.

30.4(13) No change.

30.4(14) Global filings.

~~a. The filing officer may accept for filing a single UCC document for the purpose of amending more than one financing statement, for one or both of the following purposes:~~

~~(1) Amendment to change secured party name;~~

~~(2) Amendment to change secured party address.~~

~~b. A blanket filing shall consist of a written document describing the requested amendment on a form approved by the filing office, and a machine-readable file furnished by the remitter and created to the filing officer's specifications containing appropriate indexing information. A copy of blanket filing specifications is available from the filing officer upon request. Acceptance of a blanket filing is conditioned upon the determination of the filing officer in the filing officer's sole discretion.~~

30.4(14) Affidavit of wrongful filing. Assessment is made, notices are sent, and records determined to be wrongful are terminated and reinstated in accordance with Iowa Code section 554.9513A.

30.4(15) Archives—general. This subrule relates to the maintenance of inactive financing statements and the ability of those archives to be searched.

a. *Paper UCC documents.*

(1) Storage. Paper UCC documents are scanned into the UCC information management system.

(2) Retention. Paper is not retained.

b. *Databases.* The UCC information management system is backed up ~~to magnetic tape~~ every business day.

30.4(16) to 30.4(18) No change.

ITEM 32. Amend rule 721—30.5(554) as follows:

721—30.5(554) Search requests and reports.

30.5(1) General requirements. The filing officer maintains for public inspection a searchable index ~~for~~ of all records of active UCC documents that provides for the retrieval of a record by the name of the debtor and by the file number of the initial financing statement to which the record relates and which associates with one another each initial financing statement and each filed UCC document relating to the initial financing statement.

30.5(2) Search requests. Search requests shall contain the following information.

a. *Name searched.* A search request should set forth the full correct name of a debtor or the name variant desired to be searched and must specify whether the debtor is an individual or an organization.

(1) Individual. The full name of an individual shall consist of a first name, a middle name or initial, and a last name, although a search request may be submitted with no middle name or initial and, if only a single name is presented (e.g., “Cher”), it will be treated as a last name, and a search will disclose only those UCC documents where only the last name was entered.

(2) Organization. The full name of an organization shall consist of the name of the organization as stated on the articles of incorporation or other organic documents in the state or country of organization or the name variant desired to be searched. A search request will be processed using the name in the exact form it is submitted.

b. Requesting party. The name and address of the person to whom the search report is to be sent, if applicable.

c. Fee. The appropriate fee shall be enclosed, if applicable, payable by a method described in 30.1(11).

d. Search request with filing. If a filer requests a search at the time a UCC document is filed, by checking the box on the form set forth in 30.1(9) “a,” the name to be searched will be the debtor name as set forth on the form, the requesting party will be the remitter of the UCC document, and the search request will be deemed to request a search that would be effective to retrieve all financing statements filed on or prior to the date the UCC document is filed.

30.5(3) No change.

30.5(4) Rules applied to search requests. Search results are created by applying standardized search logic to the name presented to the filing officer by the person requesting the search. Human judgment does not play a role in determining the results of the search. Only the following rules are applied to conduct searches.

a. to c. No change.

d. Words and abbreviations at the end of a name that indicate the existence or nature of an organization as set forth in the “Ending Noise Words” list as promulgated by the International Association of ~~Corporation~~ Commercial Administrators, and adopted from time to time, are disregarded (e.g., company, limited, incorporated, corporation, limited partnership, limited liability company or abbreviations of the foregoing).

e. to h. No change.

30.5(5) No change.

ITEM 33. Amend **721—Chapter 30**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 17A and 554 and ~~2017 Iowa Acts, Senate File 516, section 23.~~

ITEM 34. Amend rule 721—40.1(490,499,504A) as follows:

721—40.1(2,490,499,504A 504) Filing of documents. Documents pertaining to profit corporations, nonprofit corporations, limited liability companies, limited partnerships, and cooperative associations shall be delivered for filing to the office of Secretary of State, Lucas State Office Building, Des Moines, Iowa 50319.

40.1(1) A copy of a signature, however made, is acceptable with regard to documents delivered to the secretary of state for filing pursuant to Iowa Code chapter 490.

40.1(2) A document pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited partnership, or a cooperative association delivered to the secretary of state for filing must be captioned to describe the record’s purpose and be in a medium permitted by the secretary of state.

40.1(3) A document submitted for same-day preclearance service as provided in Iowa Code chapter 9 may be delivered by fax or in person. Preclearance service speed is not guaranteed on a document delivered by any other method.

40.1(4) Where the secretary of state prescribes and furnishes a form for the filing of a document pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited

partnership, or a cooperative association, the secretary requires the use of that form as permitted by Iowa law.

~~40.1(2)~~ **40.1(5)** A document pertaining to a profit corporation, a nonprofit corporation, a limited liability company, a limited partnership, or a cooperative association delivered to the secretary of state for filing pursuant to the Iowa business corporation Act, Iowa Code chapter 490, may be delivered by telecopier fax to (515)242-5953.

~~40.1(3)~~ **40.1(6)** A document delivered by telecopier fax may be delivered at any time of day. The date and time of receipt printed on the document by the telecopier fax machine constitutes the date and time endorsement required by Iowa Code section 490.125(2).

~~40.1(4)~~ **40.1(7)** A document delivered by telecopier fax shall be printed on paper measuring 8½" by 11", unless a copy of a larger document, reduced to 8½" by 11" paper, is acceptable to the filing party. The document received by the secretary of state via telecopier fax shall constitute the copy that is filed and returned to the corporation pursuant to Iowa Code section 490.125(2).

~~40.1(5)~~ **40.1(8)** A document delivered by telecopier fax shall be accompanied by a cover sheet that provides the name, address, and telephone number of the filing party, and instructions as to the manner by which the filing fee will be paid. The filing fee may be billed to an account maintained by the filing party pursuant to rule 721—2.3(17A) 721—2.3(9,631). The filing fee may be paid by any other means authorized by the secretary of state.

~~40.1(6)~~ If a telecopier is used to deliver a document that is subject to the multiple copy requirement of Iowa Code section 490.130, the additional copy or copies shall be delivered by telecopier contemporaneously with the copy of the document to be filed.

~~40.1(7)~~ **40.1(9)** A document delivered by telecopier fax for filing may be rejected if the print quality of the document is deemed by agency personnel to be unacceptable for microfilming scanning purposes. The secretary of state will notify the filing party by telephone, email, or regular mail of the rejection of a document pursuant to this subrule. The secretary of state will accept for filing the original copy of the document, effective on the date of the transmission by telecopier fax, if the original document is received in the office of the secretary of state within ten days of date of the notification of the rejection.

This rule is intended to implement Iowa Code chapter chapters 9 and 490.

ITEM 35. Rescind rule 721—40.2(490,499,504A).

ITEM 36. Renumber rules 721—40.3(487,490,504A) to 721—40.9(488,489,490,504) as 721—40.2(487,490,504A) to 721—40.8(488,489,490,504).

ITEM 37. Amend renumbered rule 721—40.2(490,499,504A) as follows:

721—40.2(487,490,504A 486A,488,489,490,496C,499,501,501A,504) Names distinguishable upon corporate records.

40.2(1) Except as provided in these rules, a name is considered distinguishable upon the records of the secretary of state if it contains one or more different letters or numerals, or if it contains a different sequence of letters or numerals. A single space used to divide a sequence of letters or numerals into separate words is considered to be a letter for the purpose of this subrule. Differences between singular and plural forms of words are distinguishable. Differences between numerals, Roman numerals, and words representing numerals are distinguishable. The following characters are considered as letters for the purpose of this subrule: \$ (dollar sign); + (plus sign); % (percent sign); ¢ (cent sign).

40.2(2) The following words and abbreviations, when positioned as the last word or abbreviation in the corporate business entity name, are not considered in determining whether a name is distinguishable upon the records of the secretary of state:

1. a. Corporation
2. b. Company
3. c. Incorporated
4. d. Limited
5. ~~Corp.~~
6. ~~Co.~~

- ~~7. Inc.~~
- ~~8. Ltd.~~
- e. Benefit Corporation
- f. Cooperative
- g. Limited Partnership
- h. Limited Liability Partnership
- i. Registered Limited Liability Partnership
- j. Limited Liability Limited Partnership
- k. Professional Corporation
- l. Limited Company
- m. Limited Liability Company
- n. Professional Limited Liability Company
- o. Any abbreviation of any of the above

~~40.2(3)~~ The presence or absence of the words “limited partnership,” or the abbreviation “L.P.” in any limited partnership name, when positioned at the end of the name, is not considered in determining whether a name “protected series” or the abbreviation “PS” in the name of a protected series, when such words or abbreviation is meant to comply with Iowa Code section 489.14202(2) “b,” is not considered in determining whether the name of a protected series is distinguishable upon the records of the secretary of state.

~~40.2(4)~~ The presence or absence of the words “professional corporation” or the abbreviation “P.C.” in the name of any professional corporation, when positioned at the end of the name, is not considered in determining whether a name is distinguishable upon the records of the secretary of state.

~~40.2(5)~~ The presence or absence of the words “registered limited liability partnership,” or the abbreviation “L.L.P.” in any limited liability partnership name, when positioned at the end of the name, is not considered in determining whether a name is distinguishable upon the records of the secretary of state.

~~40.2(6)~~ The presence or absence of the words “limited liability company,” or the abbreviation “L.L.C.” or “L.C.” in any limited liability company name, when positioned at the end of the name, is not considered in determining whether a name is distinguishable upon the records of the secretary of state.

~~40.2(7) to 40.2(10)~~ Reserved.

~~40.2(11)~~ 40.2(4) Differences in punctuation and special characters are not considered in determining whether a name is distinguishable upon the records of the secretary of state. Punctuation and special characters include, but are not limited to:

' (apostrophe)	[(left bracket)
] (right bracket)	: (colon)
, (comma)	— (dash)
- (hyphen)	! (exclamation point)
((left parenthesis)) (right parenthesis)
. (period)	? (question mark)
' (single quote mark)	” (double quote mark)
; (semicolon)	/ (slash)
* (asterisk)	@ (at sign)
\ (back slash)	{ (left brace)
} (right brace)	^ (caret)
= (equal sign)	> (greater than sign)
< (less than sign)	# (number sign)
~ (tilde)	_ (underline)

~~40.2(12)~~ Reserved.

~~40.2(13)~~ **40.2(5)** Differences in capitalization are not considered in determining whether a name is distinguishable upon the records of the secretary of state.

~~40.2(14)~~ **40.2(6)** Differences between an ampersand (&) and the word “and” are not considered in determining whether a name is distinguishable upon the records of the secretary of state.

~~40.2(15)~~ Reserved.

~~40.2(16)~~ **40.2(7)** In determining whether a name is distinguishable upon the records of the secretary of state, names found in the following records will not be considered:

- ~~1. a.~~ Fictitious names.
- ~~2. b.~~ Assumed names of nonprofit corporations.
- ~~3. c.~~ Names of corporations (profit or nonprofit) whose certificates of incorporation have been canceled.
- ~~4. d.~~ Names of corporations (profit or nonprofit) whose certificates of authority or certificates of registration have been revoked.
- ~~5. e.~~ Expired or terminated assumed names.
- ~~6. f.~~ Expired name reservations.
- ~~7. g.~~ Expired name registrations.

This rule is intended to implement Iowa Code sections ~~487.102(4), 490.401, 504A.6, and 504A.67~~ 486A.1002, 488.108, 489.108, 490.401, 496C.5, 499.4, 501.104, 501A.301, and 504.401.

ITEM 38. Amend renumbered rule 721—~~40.3(490,491,496C,497,498,499,504A)~~ as follows:

721—~~40.3(490,491,496C,497,498,499,504A)~~ 501,501A,504) Payment and refund of fees.

40.3(1) The office of secretary of state requires a payment of all fees in full at the time of filing of any corporate document or request for copies.

40.3(2) Filing under any of the ~~corporation or cooperative~~ business entity chapters may be effected only upon the receipt of the correct filing fee. Failure to include the filing fee or partial payment of the filing fee will result in the return of the filing to the sender with instructions to include the correct filing fee.

40.3(3) In the event that a filing fee overpayment is made, the amount in excess of the correct filing fee shall be returned to the filing party. No adjustment is required if the amount of overpayment is one dollar or less.

40.3(4) This subrule implements the pilot project authorized by 2000 Iowa Acts, House File 2545, section 32, for fees required by Iowa Code section ~~490.122, subsection 1, paragraphs “a” and “s.”~~ 490.122(1) “a” and “v.”

a. The secretary of state may refund payment of the corporate filing fees required pursuant to the provisions of Iowa Code section ~~490.122, subsection 1, paragraphs “a” and “s.”~~ 490.122(1) “a” and “v.” if, within five business days from the time the corporate filing is received and date stamped, the entity has not been entered on the records of the secretary of state.

b. To receive a refund under this subrule, the ~~corporate~~ business entity must make a written request with the business services division of the secretary of state’s office. The written request must specify the reason(s) for the refund and provide evidence of entitlement to the refund.

c. The filing fee shall not be refunded if the corporate filing fails to satisfy all of the filing requirements of Iowa Code chapter 490.

d. The decision of the secretary of state not to issue a refund under this subrule is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act.

40.3(5) This subrule implements the pilot project authorized by 2000 Iowa Acts, House File 2545, section 32, for fees required by Iowa Code section ~~504A.85, subsections 1 and 9.~~ 504.113(1) “a” and “s.”

a. The secretary of state may refund payment of the corporate filing fees required pursuant to the provisions of Iowa Code section ~~504A.85, subsections 1 and 9,~~ 504.113(1) “a” and “s.” if, within five business days from the time the corporate filing is received and date stamped, the entity has not been entered on the records of the secretary of state.

b. To receive a refund under this subrule, the corporate entity must make a written request with the business services division of the secretary of state's office. The written request must specify the reason(s) for the refund and provide evidence of entitlement to the refund.

c. The filing fee shall not be refunded if the corporate filing fails to satisfy all of the filing requirements of Iowa Code chapter ~~504A~~ 504.

d. The decision of the secretary of state not to issue a refund under this subrule is final and not subject to review pursuant to the provisions of the Iowa administrative procedure Act.

ITEM 39. Amend renumbered rule 721—40.4(491,496A,499,504A,548) as follows:

721—40.4(~~491,496A,499,504A,548~~ 486A,488,489,490,499,501,501A,504) Document to county recorder.

40.4(1) Any corporate document that is required by law to be filed in the office of the county recorder will be forwarded directly to the office of the county recorder in the county where the corporation's registered office is located.

40.4(2) Reserved.

ITEM 40. Amend renumbered rule 721—40.5(548) as follows:

721—40.5(548) Registration and protection of marks.

40.5(1) Classification. The following general classes of goods and services are established, but do not limit or extend the applicant's or registrant's rights, and a single application for registration of a mark may include any or all goods upon which, or services with which, the mark is actually being used comprised in a single class, but in no event shall a single application include goods or services upon which the mark is being used which fall within different classes of goods or services.

The said classes are as follows:

GOODS

Class	Title
1	Raw or partly prepared materials
2	Receptacles
3	Baggage, animal equipments, portfolio ₂ and pocketbooks
4	Abrasives and polishing materials
5	Adhesives
6	Chemicals and chemical compositions
7	Cordage
8	Smokers' articles, not including tobacco products
9	Explosives, firearms, equipments ₂ and projectiles
10	Fertilizers
11	Inks and inking materials
12	Construction materials
13	Hardware ₂ and plumbing ₂ and steam-fitting supplies
14	Metals and metal castings and forgings
15	Oils and greases
16	Paints and painters' materials
17	Tobacco products
18	Medicines and pharmaceutical preparations
19	Vehicles
20	Linoleum and oiled cloth
21	Electrical apparatus, machines ₂ and supplies

22	Games, toys, and sporting goods
23	Cutlery, machinery, and tools, and parts thereof
24	Laundry appliances and machines
25	Locks and safes
26	Measuring and scientific appliances
27	Horological <u>Clocks, watches, and other horological instruments</u>
28	Jewelry and precious-metal ware
29	Brooms, brushes, and dusters
30	Crockery, earthenware, and porcelain
31	Filters and refrigerators
32	Furniture and upholstery
33	Glassware
34	Heating, lighting, and ventilating apparatus
35	Belting, hose, machinery packing, and nonmetallic tires
36	Musical instruments and supplies
37	Paper and stationery
38	Prints and publications
39	Clothing
40	Fancy goods, furnishings, and notions
41	Canes, parasols, and umbrellas
42	Knitted, netted, and textile fabrics, and substitutes thereof
43	Thread and yarn
44	Dental, medical, and surgical appliances
45	Soft drinks and carbonated waters
46	Foods and ingredients of foods
47	Wines
48	Malt beverages and liquors
49	Distilled alcoholic liquors
50	Merchandise not otherwise classified
54 <u>50</u>	Cosmetics and toilet preparations
52 <u>51</u>	Detergents and soaps
<u>52</u>	<u>Digital products and software applications</u>
<u>53</u>	<u>Goods not otherwise classified</u>

SERVICES

Class	Title
100	Miscellaneous <u>Services not otherwise classified</u>
101	Advertising and business
102	Insurance and financial
103	Construction, <u>maintenance</u> , and repair
104	Communication
105	Transportation and storage
106	Material treatment, <u>recycling</u> , and waste disposal
107	Education and entertainment

<u>108</u>	<u>Software as a service</u>
<u>109</u>	<u>Medical</u>
<u>110</u>	<u>Hair and cosmetic</u>
<u>111</u>	<u>Restaurant and bar</u>
<u>112</u>	<u>Real estate sales and property management</u>
<u>113</u>	<u>Retail sales</u>

40.5(2) No change.

40.5(3) *Incomplete or defective applications.* An application will not be filed unless the application and accompanying facsimiles or specimens are in proper form, comply with the statutory requirements and are accompanied by the ~~statutory~~ fee established by rule. Specimens which are metal need not be submitted, a facsimile being preferable in order to avoid filing problems. Documents not filed will be returned with a statement of the reasons therefor.

40.5(4) *Registration dates.* The registration date is the date ~~on which the mark is actually posted in the registration indices of the registration application is stamped received by~~ the office of the secretary of state, if, after the application has been examined ~~and found acceptable, it is allowed for registration.~~

40.5(5) to 40.5(8) No change.

40.5(9) *Conflicts.* Whenever application is made for registration of a mark or trade name which so resembles a mark registered in this state or a mark previously used in this state by another and not abandoned, so as to be likely, when applied to the goods or services of the applicant, to cause confusion or mistake or to deceive, a conflict shall be declared to exist and registration denied.

40.5(10) to 40.5(12) No change.

40.5(13) *Fees.* Fees for mark applications, assignments, and cancellations are established as follows:

<u>Application for registration of mark</u>	<u>\$10</u>
<u>Application for renewal of registered mark</u>	<u>\$10</u>
<u>Assignment of registration of mark</u>	<u>\$5</u>
<u>Cancellation of registration of mark</u>	<u>\$5</u>

ITEM 41. Amend renumbered rule 721—40.6(80GA,SF2274) as follows:

721—40.6(80GA,SF2274 504) Revised nonprofit corporation Act fees. The following are the fees for ~~the revised nonprofit corporation Act, 2004 Iowa Acts, Senate File 2274 Iowa Code section 504.113.~~

40.6(1) The secretary shall collect the following fee when the documents described below are delivered to the secretary's office for filing.

Articles of incorporation	\$20
Application for use of indistinguishable name	\$5
Application for reserved name	\$10
Notice of transfer of reserved name	\$10
Application for registered name	\$2 per month or part thereof
Application for renewal of registered name	\$20
Corporation's statement of change of registered agent or registered office or both	No Fee
Agent's statement of change of registered office for each affected corporation not to exceed a total of	No Fee
Agent's statement of resignation	No Fee
Amendment of articles of incorporation	\$10

Restatement of articles of incorporation with amendments	\$20
Articles of merger	\$20
Articles of dissolution	\$5
Articles of revocation of dissolution	\$5
Certificate of administrative dissolution	No Fee
Application for reinstatement following administrative dissolution	\$5
Certificate of reinstatement	No Fee
Certificate of judicial dissolution	No Fee
Application for certificate of authority	\$25
Application for amended certificate of authority	\$25
Application for certificate of withdrawal	\$5
Certificate of revocation of authority to transact business	No Fee
Biennial report	No Fee
Articles of correction	\$5
Application for certificate of existence or authorization	\$5
Any other document required or permitted by the Act	\$5

40.6(2) The secretary of state shall collect a fee of \$5 each time process is served on the secretary under this chapter.

40.6(3) The secretary of state shall collect the following fees for copying and certifying the copy of any filed document relating to a domestic or foreign corporation:

- a. \$1 per page for copying.
- b. \$5 per page for the certificate.

ITEM 42. Amend renumbered rule 721—40.7(488,489,490) as follows:

721—40.7(488,489,490) Biennial reports. The secretary of state shall collect the following fees at the time the documents described in this rule are delivered to the secretary for filing.

40.7(1) A limited partnership or foreign limited partnership authorized to transact business in this state shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 488.210.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is \$45. This fee may be provided in the form of credit card, cash, personal check, cashier's check, or money order, or by secretary of state charge account.

b. The fee for an electronic filing through the secretary of state Internet website is \$30. This fee must be paid by credit card or secretary of state charge account.

40.7(2) A limited liability company or a foreign limited liability company authorized to transact business in this state shall deliver to the secretary of state for filing a biennial report that meets the requirements of Iowa Code section 489.209.

a. The fee for filing and indexing a biennial report filed on paper or in a paper-based format is \$45. This fee may be provided in the form of credit card, cash, personal check, cashier's check, or money order, or by secretary of state charge account.

b. The fee for an electronic filing through the secretary of state Internet website is \$30. This fee must be paid by credit card or secretary of state charge account.

ITEM 43. Amend renumbered rule 721—40.8(488,489,490,504) as follows:

721—40.8(488,489,490,504) Online filing requirements. The following requirements apply to the electronic filing of documents and the certification of electronic documents. This rule applies to documents filed in conjunction with the filing requirements in Iowa Code chapters 488, 489, 490, and 504.

40.8(1) No change.

40.8(2) For filings requiring an online account, an applicant must follow the terms and conditions on the secretary of state's ~~Internet~~ website for each electronic filing.

40.8(3) No change.

40.8(4) Documents filed electronically shall be accompanied by the appropriate fee. This fee must be paid by ~~check~~, credit card, or secretary of state charge account.

ITEM 44. Amend **721—Chapter 40**, implementation sentence, as follows:

These rules are intended to implement Iowa Code chapters 490, 491, 499, 504, and 548 ~~and 2017 Iowa Acts, Senate File 516, section 23.~~

ITEM 45. Renumber rule **721—42.4(9A,17A)** as **721—42.2(9A,17A)**.

ITEM 46. Amend renumbered rule 721—42.2(9A,17A) as follows:

721—42.2(9A,17A) General information. Further information pertaining to the Registration of Athlete Agents Act and all application forms may be obtained by contacting the Secretary of State, ~~Corporations Business Services Division~~, Lucas State Office Building, Des Moines, Iowa 50319, (515)281-5204 during regular office hours, 8 a.m. to 4:30 p.m. Monday through Friday except legal holidays.

ITEM 47. Amend rule 721—43.1(9B) as follows:

721—43.1(9B) Certificate of notarial acts. A notarial act shall be evidenced by a certificate signed and dated by a notarial officer, be executed contemporaneously with the performance of the notarial act for which the certificate applies, and not be completed until the notarial act has been performed. The certificate shall include all of the information required by Iowa Code section 9B.15(1). A certificate of a notarial act is sufficient if it meets the requirements set out in Iowa Code section 9B.15(3). A certificate of a notarial act performed under Iowa Code section 9B.14A ~~as enacted by 2019 Iowa Acts, chapter 44, section 6,~~ must also meet the requirements of Iowa Code section 9B.14A(4) ~~as enacted by 2019 Iowa Acts, chapter 44, section 6.~~

ITEM 48. Amend rule 721—43.2(9B) as follows:

721—43.2(9B) Short form certificates. Short form certificates of notarial acts may be used provided the certificates comply with the provisions of Iowa Code sections 9B.15 and 9B.16. For purposes of this rule, a “record” and an “instrument” have the same meaning and effect. A short form certificate of a notarial act performed under Iowa Code section 9B.14A ~~as enacted by 2019 Iowa Acts, chapter 44, section 6,~~ must meet the requirements of Iowa Code section 9B.14A(5) ~~as enacted by 2019 Iowa Acts, chapter 44, section 6.~~

ITEM 49. Amend rule 721—43.5(9B) as follows:

721—43.5(9B) Commission as notary public. An individual applying to the secretary of state for a commission as a notary public shall comply with the requirements and qualifications of Iowa Code section 9B.21.

43.5(1) Application. The applicant shall complete and file with the secretary of state an Application for Appointment as Notary Public. The affirmation section on an Application for Appointment as Notary Public shall constitute an executed oath of office as required by Iowa Code section 9B.21(3). An individual who wishes to perform notarial acts for remotely located individuals shall also complete

and file with the secretary of state an additional application containing information indicating that the applicant meets the additional training and technology requirements of Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, and this chapter, as well as any additional information the secretary of state may require.

43.5(2) Reapproval. A notary public's approval to perform notarial acts for remotely located individuals shall expire on the same date as the individual's notary public commission. Two months preceding the expiration of approval, the secretary of state shall notify the notary public of the expiration date and furnish an application for reapproval. The secretary of state may provide for combining its reappointment and reapproval forms.

43.5(3) Training.

a. A notary public who wishes to begin performing notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, shall, within the six-month period immediately preceding the first performance of such an act, satisfactorily complete a training course approved by the secretary of state concerning the requirements and methods for performing notarial acts for remotely located individuals and shall provide satisfactory proof to the secretary of state that the applicant has completed the course.

b. An applicant for reappointment as a notary public who currently holds a notary public commission, who wishes to continue performing notarial acts under Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, and who has satisfactorily completed the initial training course required by paragraph 43.5(3)"a" at least one time prior to the 12-month period immediately preceding application for reappointment shall, within the 6-month period immediately preceding the deadline for application for reappointment, satisfactorily complete an update course approved by the secretary of state concerning the requirements and methods for performing notarial acts for remotely located individuals and shall provide satisfactory proof to the secretary of state that the applicant has completed the course.

ITEM 50. Amend rule 721—43.7(9B) as follows:

721—43.7(9B) Protection of recording and personally identifiable information. A notary public shall protect from unauthorized access the recording of a notarial act pursuant to Iowa Code section 9B.14A(3)"c" as enacted by 2019 Iowa Acts, chapter 44, section 6, and any "personally identifiable information" as defined in Iowa Code section 9B.14C(1) as enacted by 2019 Iowa Acts, chapter 44, section 8, disclosed during the performance of an electronic notarial act using audiovisual communications, except as permitted pursuant to Iowa Code sections 9B.14C(2) and 9B.14C(3) as enacted by 2019 Iowa Acts, chapter 44, section 8.

ITEM 51. Amend rule 721—43.9(9B) as follows:

721—43.9(9B) Standards for communication technology and identity proofing for notarial acts performed for remotely located individuals.

43.9(1) A notary public may not perform a notarial act for a remotely located individual unless the technology identified by the notary public pursuant to Iowa Code section 9B.14A(7) as enacted by 2019 Iowa Acts, chapter 44, section 6, satisfies all of the following:

- a.* to *c.* No change.
- d.* Provides sufficient captured image resolution for identity proofing performed in accordance with Iowa Code section 9B.14A(3) as enacted by 2019 Iowa Acts, chapter 44, section 6.
- e.* No change.
- f.* Provides for the recording of the electronic notarial act in compliance with this chapter and Iowa Code section 9B.14A as enacted by 2019 Iowa Acts, chapter 44, section 6, in sufficient quality to ensure the verification of the electronic notarial act.
- g.* to *j.* No change.
- k.* Provides security measures the secretary of state deems reasonable to prevent unauthorized access to all of the following:

(1) to (5) No change.

43.9(2) Identity proofing and credential analysis must be performed by a third-party credential service provider whose methods and standards are substantially similar to those defined in the most recent edition of the National Institute of Standards and Technology’s Digital Identity Guidelines, and that has provided evidence to the notary public of the ability to satisfy the following requirements:

a. and *b.* No change.

c. Credential analysis shall, at a minimum, do all of the following:

(1) Use automated software processes to aid the notary public in verifying the identity of a principal or any credible witness;

(2) and (3) No change.

d. No change.

43.9(3) Upon change of any of the technology identified by the notary public pursuant to Iowa Code section 9B.14A(7) ~~as enacted by 2019 Iowa Acts, chapter 44, section 6,~~ which affects compliance with the requirements of Iowa Code chapter 9B or this chapter, the provider of the technology shall immediately notify the secretary of state and all Iowa notaries public using its technology of the change. Information that qualifies as trade secret under Iowa law shall be kept confidential in accordance with Iowa Code section 22.7(3). It is the responsibility of the provider to specify to the secretary of state the information it believes falls within the definition of “trade secret” under Iowa Code section 550.2(4) and other applicable law.

ITEM 52. Amend rule 721—43.10(9B) as follows:

721—43.10(9B) Providers of communication technology.

43.10(1) *Provider requirements.* A notary public authorized to perform notarial acts for remotely located individuals may only use a provider of communication technology for the audiovisual recording of electronic notarial acts subject to the provisions of this chapter and Iowa Code sections 9B.14A ~~as enacted by 2019 Iowa Acts, chapter 44, section 6,~~ and 9B.14B ~~as enacted by 2019 Iowa Acts, chapter 44, section 7,~~ if the provider:

a. Has registered with and been approved by the secretary of state in accordance with this chapter;

b. Allows the remote notary public sole control of the recording of the electronic notarial act using audiovisual communication, subject to the authorized access granted by the notary; and

c. Provides the notary with access to the recording of the electronic notarial act using audiovisual communication pursuant to this chapter.

43.10(2) *Backup strategy requirement—release of records to secretary of state.*

a. The secretary of state may not approve a provider of communication technology as defined in Iowa Code section 9B.14A(1) “*a*” ~~as enacted by 2019 Iowa Acts, chapter 44, section 6,~~ unless the provider uses a backup strategy that is acceptable to the secretary of state for use as a record keeper for any record that is related to a remote notarial act.

b. If the provider of communication technology and the owner of the backup strategy described in paragraph 43.10(2) “*a*” are the same entity, in the event that the provider ceases business operations, the provider shall notify the secretary of state in advance of such cessation of business operations and, at the secretary of state’s request, shall release to the secretary of state any record described in paragraph 43.10(2) “*a*.”

c. If the provider of communication technology and the owner of the backup strategy described in paragraph 43.10(2) “*a*” are separate entities, the provider shall sign an agreement with the owner of the backup strategy that, in the event that the provider or the owner ceases business operations, the entity ceasing business operations shall notify the other entity and the secretary of state in advance of such cessation of business operations, and, at the secretary of state’s request, the owner of the backup strategy shall release to the secretary of state any record described in paragraph 43.10(2) “*a*.”

43.10(3) *Protection of recording and personally identifiable information.* A provider of communication technology shall protect from unauthorized access the recording of a notarial act pursuant to Iowa Code section 9B.14A(3) “*c*” ~~as enacted by 2019 Iowa Acts, chapter 44, section 6,~~ and any “personally identifiable information” as defined in Iowa Code section 9B.14C(1) ~~as enacted by~~

~~2019 Iowa Acts, chapter 44, section 8,~~ disclosed during the performance of an electronic notarial act using audiovisual communications.

ITEM 53. Amend paragraph **43.11(1)“a”** as follows:

a. A provider of communication technology that wishes to apply for approval by the secretary of state for use of its technology by Iowa notaries public to perform notarial acts under Iowa Code section 9B.14A ~~as enacted by 2019 Iowa Acts, chapter 44, section 6,~~ shall submit a registration electronically to the secretary of state, which shall include:

(1) to (11) No change.

ITEM 54. Amend subrule 45.1(1) as follows:

45.1(1) Scope. This chapter applies to the creation and administration of a mechanics' notice and lien registry under Iowa Code chapter 572. All filed mechanics' liens filed on or after January 1, 2013, must be posted in the office of the administrator in accordance with these rules. ~~The residential notice provisions of these rules apply to labor performed and materials supplied on or after January 1, 2013.~~

Mechanics' liens filed prior to January 1, 2013, shall remain with the clerk of the district court of the county in which the building, land, or improvement charged with the lien is situated.

Rules 721—45.4(572) and 721—45.5(572) apply only to residential construction. All other rules in this chapter apply to both residential and commercial construction.

ITEM 55. Amend rule 721—45.2(572) as follows:

721—45.2(572) Creation of mechanics' notice and lien registry. The administrator shall create and administer a mechanics' notice and lien registry, hereafter known as the MNLR.

45.2(1) Access to MNLR by the general public. The MNLR shall be accessible to the general public through the administrator's ~~Web site~~ website at www.sos.iowa.gov/mnlr. A notice, lien or any other document posted is immediately accessible to the general public.

45.2(2) MNLR searchable by index. The MNLR shall be searchable by the following indexes:

- a. Owner name.
- b. General contractor name.
- c. MNLR number.
- d. Property address.
- e. Legal description.
- f. Tax parcel identification number.
- g. County.

45.2(3) Acknowledgment of receipt. The administrator shall provide a receipt acknowledging submission of a notice if the submission of information is by U.S. mail, facsimile transmission, personal delivery, or courier delivery, or acknowledging submission of a lien if the submission of information is by U.S. mail. The acknowledgment shall be sent to the ~~e-mail~~ email address provided by the person submitting the required information to post a notice or lien.

45.2(4) MNLR user registration. To post information on the MNLR ~~Internet Web site~~ website, the person must register as a user on the MNLR. Procedures for MNLR user registration and allowed use of the MNLR shall be posted on the administrator's ~~Web site~~ website.

ITEM 56. Amend rule 721—45.3(572) as follows:

721—45.3(572) Administrator identification. In addition to the promulgation of these rules, the administrator will disseminate the administrator's location, mailing address, telephone and facsimile numbers, and the administrator's ~~Internet website~~ and other electronic "~~addresses~~" addresses through usual and customary means.

ITEM 57. Amend rule 721—45.4(572) as follows:

721—45.4(572) Posting of notice of commencement of work.

45.4(1) Posting by general contractor. A general contractor for residential construction shall post a notice of commencement of work to the MNLR within ten days of commencement of work, or the general contractor is not entitled to a lien or remedies provided in Iowa Code chapter 572.

45.4(2) Information in notice of commencement of work. The information provided shall, at a minimum, include:

- a. The name and address of the owner.
- b. The name, address, and telephone number of the general contractor or owner-builder.
- c. The address of the property or a description of the location of the property if the property cannot be reasonably identified by an address.
- d. The legal description of the property.
- e. The date work commenced.
- f. The tax parcel identification number.
- g. The county or counties in which the building, land, or improvement to be charged with the lien is situated.
- h. The ~~e-mail~~ email address of the person posting or submitting the notice of commencement of work or the ~~e-mail~~ email address of another individual or entity designated to receive electronic correspondence on behalf of this person.

45.4(3) Commencement of work owner notice. At the time a notice of commencement of work is posted on the MNLR, the administrator shall mail a written owner notice to the owner's address. If the owner's address is different than the property address, a copy of the notice shall also be sent to the property address, addressed to the owner.

- a. The owner notice shall be in boldface type and of a minimum size of ten points and contain the following language:

"Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the improved property if they are not paid for their contributions, even if the parties have no direct contractual relationship with the owner. The mechanics' notice and lien registry provides a listing of all persons or companies furnishing labor or materials who have posted a lien or who may post a lien upon the improved property. If the person or company has posted its notice or lien to the mechanics' notice and lien registry, you may be required to pay the person or company even if you have paid the general contractor the full amount due. Therefore, check the mechanics' notice and lien registry ~~internet~~ website for information about the property including persons or companies furnishing labor or materials before paying your general contractor. In addition, when making payment to your general contractor, it is important to obtain lien waivers from your general contractor and from persons or companies registered as furnishing labor or materials to your property. The information in the mechanics' notice and lien registry is posted on the ~~internet~~ website of the mechanics' notice and lien registry."

- b. The owner notice shall include the MNLR ~~Internet-Web-site~~ website address and MNLR toll-free telephone number.

ITEM 58. Amend rule 721—45.5(572) as follows:

721—45.5(572) Posting of preliminary notice.

45.5(1) No change.

45.5(2) Contents of preliminary notice. The information provided by the subcontractor shall, at a minimum, include:

- a. and b. No change.
- c. The name, address, and telephone number of the subcontractor furnishing the labor, service, equipment, or material.
- d. to i. No change.
- j. The county or counties in which the building, land, or improvement to be charged with the lien is situated.
- k. The ~~e-mail~~ email address of the subcontractor or the ~~e-mail~~ email address of another individual or entity designated to receive electronic correspondence on behalf of the subcontractor.

45.5(3) and 45.5(4) No change.

ITEM 59. Amend rule 721—45.6(572) as follows:

721—45.6(572) Posting of mechanic's lien.

45.6(1) and 45.6(2) No change.

45.6(3) *Mechanic's lien owner notice.* At the time that a lien is posted on the MNLR, the administrator shall mail a copy of the lien to the owner's address. The owner notice shall include the MNLR ~~Internet Web site~~ website address and MNLR toll-free telephone number.

45.6(4) *Identification of lien county or counties.* A lien posted to the MNLR under this rule shall be limited to the county or counties in which the building, land, or improvement to be charged with the lien is situated. The county or counties identified on the MNLR ~~Web site~~ website at the time of posting the required notices in rules 721—45.4(572) and 721—45.5(572) shall be the only county or counties in which the building, land, or improvement may be charged with a mechanic's lien.

45.6(5) No change.

45.6(6) *Additional information for posting of a mechanic's lien for commercial property.* The person posting the mechanic's lien for a commercial property must register as a user with the MNLR and must provide the following additional information:

- a. The name and mailing address of the owner.
- b. The name, address, and telephone number of the general contractor or owner-builder.
- c. The county or counties in which the building, land, or improvement to be charged with the lien is situated.
- d. The ~~e-mail~~ email address of the person posting or submitting the mechanic's lien or the ~~e-mail~~ email address of another individual or entity designated to receive electronic correspondence on behalf of the person posting the lien.

ITEM 60. Adopt the following **new** subrule 45.8(3):

45.8(3) *Affidavit for release of bond.* Upon satisfaction or forfeiture of a mechanic's lien, the owner may release a bond submitted to discharge the lien pursuant to Iowa Code section 572.15 by submitting to the administrator an affidavit for release of bond.

ITEM 61. Amend rule 721—45.11(572) as follows:

721—45.11(572) Nondisclosure of MNLR information. The following information, provided in compliance with this chapter, shall not be viewed as a public record under Iowa Code chapter 22 and shall not be disclosed by the administrator:

1. An ~~e-mail~~ email address.
2. MNLR user account or payment information.

ITEM 62. Amend rule 721—45.12(572) as follows:

721—45.12(572) Obligation to update information. The administrator may use ~~e-mail~~ email for official correspondence with a registered user, except when law requires delivery by U.S. mail. If the registered user wants to receive timely notice by the administrator, it is the obligation of the registered user to update the user's contact information on the MNLR.

ITEM 63. Amend rule 721—45.13(572) as follows:

721—45.13(572) Fees and services.

45.13(1) *Fee for posting and mailing.* The following fees shall be charged for posting on the MNLR and for the mailing of notices:

- a. The fee for posting a notice of commencement of work using the ~~Internet Web site~~ website is \$7. The fee for posting a notice of commencement of work by submitting the notice to the administrator by U.S. mail, facsimile, personal delivery, or courier delivery is \$10.

b. The fee for posting a preliminary notice on the MNLR using the ~~Internet Web site~~ website is \$7. The fee for posting a preliminary notice by submitting the notice to the administrator by U.S. mail, facsimile, personal delivery, or courier delivery is \$10.

c. The fee for posting a mechanic's lien using the ~~Internet Web site~~ website is \$30. The fee for posting a mechanic's lien by submitting the lien to the administrator by U.S. mail is \$40.

d. The fee for mailing a copy of the demand for acknowledgment is \$5 per party's mailing address.

e. The fee for mailing a copy of the demand to commence action is \$5 per party's mailing address.

f. The fee for posting a correction statement is \$5 to mail a new owner notice.

45.13(2) Searching the MNLR. A search of the MNLR by index list is available at no cost via the administrator's ~~Web site~~ website. Any person may search the MNLR without registering as an MNLR user. When a search of the MNLR is performed by the administrator, the following fees apply:

a. The fee for an MNLR search request is \$5. The search will only be performed if an MNLR number is provided by the requester. Other than by MNLR number, no other search will be performed by the administrator. The request may be made by verbal communication, on paper, by facsimile, or by ~~e-mail~~ email. The search provides the requester with a copy of the summary of postings for the provided MNLR number, and an estimate of the cost to obtain a paper copy of the documents listed on the summary of postings.

b. The fee for a paper copy of a document posted on the MNLR is:

(1) \$1 per page, delivered by U.S. mail.

(2) \$2 per page, delivered by facsimile machine.

Documents will not be delivered via ~~e-mail~~ email.

45.13(3) Public records services. Public records services are provided on a nondiscriminatory basis to any member of the public on the terms described in these rules. The following fees shall be charged for obtaining copies of MNLR documents and copies of data from the MNLR information management system, as generated and provided by the administrator, by the following methods:

a. Paper copies of individual documents. The requester must provide the MNLR document number.

(1) U.S. mail delivery — \$1 per page.

(2) Facsimile delivery — \$2 per page.

Documents will not be delivered via ~~e-mail~~ email.

b. Data download.

~~(1) Subscription service that allows a subscriber to electronically receive data fields via a spreadsheet format (unlimited downloads): \$500 annual fee, renewable January 1 each year. For subscribers, bulk copies of PDF images of postings may be purchased for 4 cents per document, delivered to the subscriber on a computer disk.~~

(2) One-time full extract of data for a calendar year via download: up to \$1,000 per year. In addition to the purchase of the download, a requester for full data extract may purchase a copy of all PDF images of postings for the calendar year for 4 cents per document, ~~delivered to the requester on a computer disk.~~

45.13(4) to 45.13(6) No change.

ITEM 64. Amend rule 721—45.14(572) as follows:

721—45.14(572) Grounds for refusal of a posting or submission. A posting or submission may be refused by the administrator on the following grounds:

1. to 5. No change.

Additional grounds for the administrator's refusal to accept an MNLR document for posting may be established by policy. The policy shall be noticed to the public by the posting of the policy on the MNLR ~~Web site~~ website.

ITEM 65. Amend rule 721—45.15(572) as follows:

721—45.15(572) Posting of a filing office statement, correction statement, or withdrawal statement.

45.15(1) Filing office statement. The administrator may post a filing office statement to correct information that was incorrectly transcribed from a paper submission.

45.15(2) Correction statement. A correction statement for a commencement of work or a preliminary notice is an electronic posting by a registered MNLR user. A correction statement does not allow for a change in the county or counties where the building, land or improvement to be charged with the lien is situated; in the date of the commencement of work; or in the date that material was first furnished or labor was first performed by the subcontractor.

45.15(3) No change.

45.15(4) Notice of filing office statement, correction statement, or withdrawal statement to registered users. At the time of the posting of a filing office statement, a correction statement, or a withdrawal statement, a notice will be sent by ~~e-mail~~ email to all registered users, except the administrator, who have posted to the MNLR number.

ITEM 66. Amend rule 721—45.16(572) as follows:

721—45.16(572) Assignment of date and time stamp and MNLR number.

45.16(1) Method and time of posting.

a. For a notice of commencement of work or preliminary notice, the posting shall be date- and time-stamped as follows:

(1) If posted electronically on the MNLR, the time of posting shall be upon posting of all required information and payment of the required fees.

(2) If the required information and fee are submitted by U.S. mail or facsimile transmission to the filing office, the administrator shall post to the MNLR within three business days of receipt.

~~(3) If the required information and fee are submitted by facsimile transmission to the filing office, the administrator shall post to the MNLR within three business days of receipt.~~

(4) (3) If the required information and fee are submitted by personal delivery or courier delivery to the filing office's street address, the administrator shall post to the MNLR within three business days of receipt.

b. and c. No change.

45.16(2) No change.